



The Great Atlantic & Pacific Tea Company, Inc.
Food Safety & Product Quality Services
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201-573-9700

January 25, 2005

The Honorable William T. Hawks
Under Secretary for Marketing and Regulatory Programs
U.S. Department of Agriculture
Country of Origin Labeling Program
Agricultural Marketing Service
Stop 0249 Room 2092-S
1400 Independence Avenue, SW
Washington, DC 20250-0249

**Re: Comments on Interim Final Country of Origin Labeling Regulation
for Fish and Shellfish (Docket No. LS-03-04)**

Dear Secretary Hawks:

The Great Atlantic and Pacific Tea Company is pleased to respond to the U.S. Department of Agriculture's (USDA's) request for comments on the interim final regulation for country of origin labeling for fish and shellfish. A&P operates over 650 stores and 10 distribution centers with nearly 70 thousand employees in 10 states, the District of Columbia and throughout the Province of Ontario, Canada. We respectfully request that you address two issues in the final rule.

First, we encourage you to simplify the recordkeeping provision in the final regulation. A complete record provided by the supplier directly with the product and held at store level until the product is sold should serve as the only record that must be maintained by retail stores, including their corporate headquarters. A complete record would include the supplier's name and contact information; the type of seafood; its country of origin and method of production; and a lot code number or other unique identifier, such as a pack date or a sell by date, that would allow the supplier to locate records related to the specific product.

Unlike retailers and distributors, the supplier has firsthand knowledge of the origin and production of the seafood item and, thus, is the only entity that can properly validate the origin and production claims made. Once the seafood is harvested, its country of origin and method of production are fixed and cannot lawfully change. Therefore, it is not necessary for the food distribution chain to capture or maintain information as the product is transferred through the chain provided that a complete record directly accompanies the product. Indeed, information provided directly from the supplier to the retailer is likely to be more consistently accurate since this system will


eliminate the chance for errors that might otherwise occur when information is recorded and transmitted by intermediaries.

Moreover, if the supplier provides a complete record with each shipment, then USDA should have all the necessary information at hand to assess whether the claim required by the statute and made at store level is accurate, without having to trace the product back through each step of the distribution chain. This procedure is far more efficient and would have the additional benefit of conserving USDA resources. Accordingly, we respectfully request that USDA allow a complete supplier record to serve as the only record necessary at store level and remove the requirement for corporate or intermediary record keeping.

Second, the interim final rule becomes effective on April 4, 2005. The final rule is unlikely to be issued much before the IFR is scheduled to take effect. Therefore, we urge you to include a new effective date with the final rule so that we will be able to implement it in a timely and efficient manner. In particular, we urge you to apply USDA's recently announced uniform labeling compliance date policy.

We appreciate your attention to our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Rojek", with a large, stylized initial "P" that loops around the first part of the name.

Peter R. Rojek
Vice President, Food Safety, Quality
and Asset Protection

